



41253

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Peter James Duffett-Smith et al. : Group Art Unit: 2683  
Serial No.: 09/830,447 : Examiner: Rampuria, S.  
Filed: April 27, 2001 :  
For: IMPROVEMENTS IN RADIO :  
POSITIONING SYSTEMS :

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

APR 03 2006

Sir:

**OFFICE OF PETITIONS**

Applicants respectfully petition to withdraw holding of abandonment in the above-captioned application based on failure to receive an office action pursuant to MPEP §711.03(c)(I)(A). Accordingly, no fee is due.

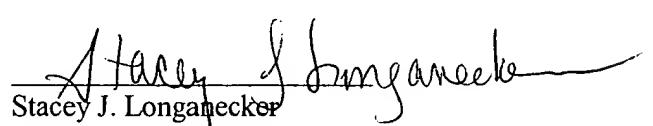
As stated in the Second Status Inquiry filed on January, 12, 2005, Applicants received a telephone message from the Examiner on or about July 12, 2004 asking whether the Applicants intended to abandon this application. The Applicants' representative returned the Examiner's call on the same day and indicated that the Applicants had no plans to abandon this application. The Examiner was advised that an initial Status Inquiry had been filed by the Applicants on July 17, 2002 (Exhibit 1), after the application had been pending for approximately fifteen months, and that no response was received to that Status Inquiry. Following the July 12, 2004 teleconference between Applicants' representative and the Examiner, the Examiner responded that an internal problem of some type had been encountered at the Office, and that an office action had been prepared but not yet mailed. The Applicants' representative was advised that the

office action would be located and mailed in due course. When the office action still had not been received, the Second Status Inquiry was filed on January 12, 2005 (Exhibit 2). A copy of the docketing record for the application is provided as Exhibit 3, which indicates both status inquiries and failure of the Patent Office to forward the office action until March 16, 2006. A copy of the March 16, 2006 facsimile cover sheet from the Patent Office is provided as Exhibit 4, along with copies of the first page of the office action and the Notice of Abandonment that were forwarded with the facsimile cover sheet.

When the Applicants' representative finally received the office action dated November 6, 2003 (Exhibit 4) via facsimile from the Patent Office on March 16, 2006, the Applicants' representative noted that the office action included the incorrect mailing address for the firm. This is an error on the part of the Patent Office since the Patent Office had the correct address as indicated on the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 mailed on June 5, 2001, which is attached as Exhibit 5. Finally, a copy of the Transmittal Letter to the United States Designated Office/Elected Office Concerning a Filing Under 35 U.S.C. 371 is provided as Exhibit 6 which indicates on page 2 thereof the correct firm address for correspondence.

In view of the above, Applicants respectfully request withdrawal of the holding of abandonment in the above-captioned application.

Respectfully submitted,

  
\_\_\_\_\_  
Stacey J. Longanecker  
Attorney for Applicant  
Reg. No. 33,952

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036-2680  
(202) 659-9076

Dated: March 29, 2006

41253



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter James DUFFETT-SMITH et al.

: Group Art Unit:

Serial No.: 09/830,447

: Examiner:

Filed: April 27, 2001

For: IMPROVEMENTS IN RADIO  
POSITIONING SYSTEMS

STATUS INQUIRY

**RECEIVED**

Commissioner for Patents  
Washington, D.C. 20231

APR 03 2006

Sir:

**OFFICE OF PETITIONS**

The Applicants note that the above-identified application has been on file for almost 15 months without the issuance of an initial office action. Accordingly, the Applicants respectfully ask to be advised of the status of the application, including an estimate of when an initial office action can be expected.

Respectfully submitted,

  
John E. Holmes  
Attorney for Applicants  
Reg. No. 29,392

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036-2680  
(202) 659-9076

Dated: July 17, 2002



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter James Duffett-Smith et al. : Group Art Unit:

Serial No.: 09/830,447 : Examiner:

Filed: April 27, 2001 :

For: IMPROVEMENTS IN RADIO  
POSITIONING SYSTEMS :SECOND STATUS INQUIRY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

APR 03 2006

Sir:

**OFFICE OF PETITIONS**

The Applicants note that the above-identified application has been on file for almost four years without the issuance of an initial office action. An initial status inquiry was filed by the Applicants on July 17, 2002, after the application had been pending for approximately fifteen months. No response was received to that status inquiry, but the Applicants received a telephone message from the Examiner on or about July 12, 2004 asking whether the Applicants intended to abandon this application. The Applicants' representative returned the Examiner's call on the same day and indicated that the Applicants had no plans to abandon this application. The Examiner was also advised that a status inquiry had been filed approximately two years before, and that the Applicants were still awaiting a response to the status inquiry or the issuance of an initial office action. The Examiner responded that an internal problem of some type had been



encountered at the Office, and that an office action had been prepared but not yet mailed. The Applicant's representative was advised that the office action would be located and mailed in due course. To date, however, the office action has not been received. Accordingly, the Applicants respectfully ask once again to be advised of the status of the application and to receive an estimate of when an office action can be expected.

Respectfully submitted,



John E. Holmes  
Attorney for Applicant  
Reg. No. 29,392

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036-2680  
(202) 659-9076

Dated: January 12, 2005

RABG# 41253

PRINTED ON: 3/29/2006

COUNTRY	US	UNITED STATES	TITLE					PRIOR	6/1/1999	
NEW/CON	DCA	SERIAL#	09/830,447	IMPROVEMENTS IN RADIO POSITIONING SYSTEMS					MAIL	
RELATED	n/a	PATENT#							FILE	4/27/2001
TYPE	UTL	STATUS	PENDING						PUBL	
CLIENT	GJE	GILL JENNINGS & EVERY LLP			1	CREF	MJB06733US	ISSUE		
AGENT						AREF		1ST	6/2/2000	
								EXP	6/2/2020	

ID	O	ACTION	BASE	DU IN	DU	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
PR	Y	PRELIM AMENDMENT	4/27/2001										
AS	Y	ASSIGNMENT	4/27/2001										
REEL/FRAME: 011826/0039; 4/27/01													
PC	N	POST CARD CHECK	4/27/2001	1M	5/27/2001		5/27/2001	0	5/3/2001	0M	Y	Y	Y
FS	N	FILG RCPT STATUS CHK	4/27/2001	3M	7/27/2001		7/27/2001	0	6/5/2001	0M	Y	Y	Y
DO	N	APPL FILING DEADLINE	6/1/1999	30M	12/1/2001		12/1/2001	0	4/27/2001	1M	Y	Y	Y
client has requested "earliest possible filing date"													
DS	N	INF DISCLOSURE STMT	4/27/2001	12M	4/27/2002	31	7/27/2002	2	5/29/2002	1M	Y	Y	Y
	Y	STATUS INQUIRY	7/17/2002										
PU	N	PUBLICATION	4/27/2001	18M	10/27/2002		10/27/2002	0	10/28/2002	1M	Y	Y	Y
PE	n	PETITION TO REVIVE	3/16/2006	2m	5/16/2006		5/16/2006	0		1m	y	y	y
16MAR06 rcvd faxed response from PTO enclosing OA dtd 6NOV03 & Notice of Abandonment dtd 27JUL04													
SX	N	STATUS OF APPLN.	1/12/2005	18M	7/12/2006		7/12/2006	0	3/16/2006	0M	Y	Y	Y
STATUS INQUIRY FILED 1/12/05; 16MAR06 rcvd faxed response from PTO enclosing OA dtd 6NOV03 & Notice of Abandonment dtd 27JUL04													

INVENTORS	ASSIGNEES	TERMS
DUFFETT-SMITH, PETER J.	CAMBRIDGE POSITIONING SYSTEMS LIMITED	ENTIRE INTEREST
BRICE, JAMES P.		
HANSEN, PAUL		

PRIOR APPLICATIONS													
REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION					TYPE				
	GB	9912724.5	6/1/1999	Improvements in Radio Positioning Systems					APPL				
	WO	PCT/GB00/02104	6/2/2000	Improvements in Radio Positioning Systems					APPL				

USER-DEFINABLE FIELDS				PATENT FIELDS								
ART#				SMALL ENTITY	no		ART UNIT					
LOC				CLAIMS			EXAMINER					
PBL#				PUBLICATION#			CONFIRM#					

P02757US00 ENTERED 2/20/2001 MODIFIED 3/16/2006 BY EML ATTORNEYS JEH / SJL / SJJ



JEH



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

## Fax Cover Sheet

RECEIVED

APR 03 2006

## OFFICE OF PETITIONS

Date: 16 Mar 2006

To: John Holmes	From: George Eng
Application/Control Number: 09/830,447	Art Unit: 2688
Fax No.: 202-659-9344	Phone No.: (571)272-7495
Voice No.: 202-5307374	Return Fax No.: (571)273-8300
Re:	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request	

## Comments:

Enclosed with Office actions for application 09/830,447 including a Non-Final rejection mailed on 11/6/2003 and an abandonment mailed on 7/27/2004.

Doc'd SJ File 41253

Rec'd

pet. to revive: 16 May 06

MAR 16 2006

ROYLANCE, ABRAMS  
 BERDO & GOODMAN, L.L.P.  
 BY SJ

Number of pages 12 including this page

## STATEMENT OF CONFIDENTIALITY

This facsimile transmission is an Official U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

EXHIBIT

4

ALL-STATE LEGAL



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,447	04/27/2001	Peter James Duffett-Smith	41253	7010

7590 11/06/2003

Roylance Abrams Berdo & Goodman  
1225 Connecticut Avenue NW  
Washington, DC 20036-2680

EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/830,447	DUFFETT-SMITH ET AL.	
	Examiner	Art Unit	
	Sharad Rampuria	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 06 November 2003.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
  
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
  
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
  
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7.  The reason(s) below:

WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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09/830447

BRICE

J

41253

INTERNATIONAL APPLICATION NO.

ROYLANCE ABRAMS BERDO & GOODMAN  
1300 19TH STREET N W SUITE 600  
WASHINGTON, DC 20036

PCT/GB00/02104

I.A. FILING DATE | PRIORITY DATE

01 JUN 00 | 01 JUN 99

DATE MAILED: 05 JUN 2001

**NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.494 OR 1.495**

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as  a Designated Office (37 CFR 1.494),  an Elected Office (37 CFR 1.495), has determined that the above-identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

27 APR 2001

27 APR 2001

DATE OF RECEIPT OF  
35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS

DATE OF RECEIPT OF ALL  
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above-identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3.  A request for immediate examination under 35 U.S.C. 371(f) was received on 27 APR 2001 and the application will be examined in turn.

4. The following items have been received:

- U.S. Basic National Fee.  
 Copy of the international application.  
 Translation of the international application into English.  
 Oath or Declaration of inventors(s).  
 Copy of Article 19 amendments.  Translation of Article 19 amendments into English.  
The Article 19 amendments  have  not been entered.

- The International Preliminary Examination Report in English and its Annexes, if any.  
 Copy of the Annexes to the International Preliminary Examination Report (IPER).

Translation of Annexes to the IPER into English.

The Annexes  have  not been entered.

- Preliminary amendment(s) filed 27 APR 2001 and \_\_\_\_\_  
 Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_.  
 Indication of Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other: IPEA 401, 402; ISA 220

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

Francine Young

Telephone: 703-305-3662

41253

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**INTERNATIONAL APPLICATION NO.  
PCT/GB00/02104INTERNATIONAL FILING DATE  
1 June 2000PRIORITY DATE CLAIMED  
1 June 1999

TITLE OF INVENTION Improvements in Radio Positioning Systems

## APPLICANT(S) FOR DO/EO/US

Peter James DUFFETT-SMITH, James Paul BRICE and Paul HANSEN

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4.  The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 16 below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A FIRST preliminary amendment.  
 A SECOND or SUBSEQUENT preliminary amendment.
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  Other items or information:
  - (a) Copy of International Search Report (12 September 2000).
  - (b) Copy of Published International Application (7 December 2000).
  - (c) Copy of Demand (18 December 2000).
  - (d) Copy of Notification of Receipt of Demand (16 January 2001).

17.  The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) ) :**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO ..... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO..... \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$690.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

**CALCULATIONS PTO USE ONLY**

Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 860.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	26	- 20 =	6	X \$18.00 \$ 108.00
Independent claims	4	- 3 =	1	X \$80.00 \$ 80.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$ 270.00

**TOTAL OF ABOVE CALCULATIONS = \$ 1318.00**

Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

\$ (0.00)

**SUBTOTAL = \$ 1318.00**

Processing fee of \$130.00 for furnishing the English translation later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 0.00

**TOTAL NATIONAL FEE = \$ 1318.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

\$ 40.00

**TOTAL FEES ENCLOSED = \$ 1358.00**

Amount to be refunded:	\$
charged:	\$

a.  A check in the amount of \$ 1358.00 to cover the above fees is enclosed.

b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 18-2220. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19th Street, N.W., Suite 600  
Washington, D.C. 20036

(202) 659-9076

SIGNATURE:

John E. Holmes

NAME

29.392